

REMARKS

In the **final** Office Action mailed November 9, 2009 the Office noted that claims 1-9, 11 and 13-18 were pending and rejected claims 1-9, 11 and 13-18. In this amendment, claims 13 and 17 have been amended, claims 7 and 8 have been canceled, and, thus, in view of the foregoing claims 1-6, 9, 11 and 13-18 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claims 7, 8 and 17 stand objected to for informalities. In particular, the Office asserts that claims are improperly dependent or use language that is ambiguous. Claims 7 and 8 have been canceled.

Claim 17 has been amended to use positive terms. The Applicants submit that no new matter is believed to have been added by the amendment of claim 17. The Applicants further request that the amendment be entered as it places the claim in better condition for appeal.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point

out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that the claim use indefinite or unclear terms. The Applicants have amended the term "such as" to "comprising" in claim 13. The Applicants submit that no new matter is believed to have been added by the amendment of the claims. The Applicants further request that the amendment be entered as it places the claim in better condition for appeal.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1, 2, 5, 9, 11 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stahl, U.S. Patent No. 5,274,817 in view of Szor, U.S. Patent Publication No. 2004/0158729, in view of Choi et al. *A New Stack Buffer Overflow Hacking Defense Technique with Memory Address Confirmation*, ICICS 2001, pages 146-159. The Applicants respectfully disagree and traverse the rejection with an argument.

On page 4 of the Office Action, it is asserted that "a step of unstacking said stack, wherein if said predetermined value is unstacked, the anomaly processing function is executed. (col. 1, lines 62-67; col. 4, lines 57-64; col. 5, lines 8-17; *if the signature word stored on the stack matches the entry address of the subroutine which was just execute ... **if the compared values do not match**, it is assumed that an error has occurred and*

control is passed to the block where a software interrupt is executed)." (Emphasis added)

However, such a feature in Stahl teaches away from combination with other references where the anomaly function is executed if the predetermined (previously stacked) value is unstacked.

For at least the reasons discussed above, Stahl, Szor and Choi, taken separately or in combination, fail to render obvious the features of claim 1 or the claims dependent therefrom.

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of Szor in view of Choi in view of McInerney, U.S. Patent No. 5,956,479. The Applicants respectfully disagree and traverse the rejection with an argument.

McInerney adds nothing to the deficiencies of Stahl, Szor and Choi as applied against the independent claims. Therefore, for at least the reasons discussed above, Stahl, Szor, Choi and McInerney, taken separately or in combination, fail to render obvious claims 3 and 4.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of Szor in view of Choi in view of Zisowski, U.S. Patent Publication No. 2003/0188174. The Applicants respectfully disagree and traverse the rejection with an argument.

Zisowski adds nothing to the deficiencies of Stahl, Szor and Choi as applied against the independent claims. Therefore, for at least the reasons discussed above, Stahl, Szor, Choi and Zisowski, taken separately or in combination, fail to render obvious claim 16.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Stahl in view of Szor in view of Choi in view of Pritchard, U.S. Patent Publication No. 2002/0166067. The Applicants respectfully disagree and traverse the rejection with an argument.

Pritchard adds nothing to the deficiencies of Stahl, Szor and Choi as applied against the independent claims. Therefore, for at least the reasons discussed above, Stahl, Szor, Choi and Pritchard, taken separately or in combination, fail to render obvious claims 17 and 18.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 1-6, 9, 11 and 13-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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